

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC,

Plaintiff,

No. C 20-06754 WHA

v.

SONOS, INC.,

Defendant.

**ORDER RE PATENT SHOWDOWN
TRIAL**

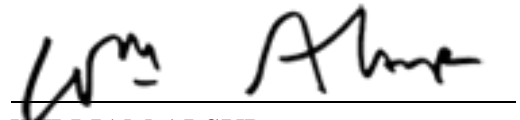
A prior order granted Sonos's motion for summary judgment of infringement of claim 1 of United States Patent No. 10,848,885 (Dkt. No. 309). That order also denied Google's motion for summary judgment of noninfringement and invalidity of the same claim. The order did not address the issues of willfulness or damages, leaving the question of how to proceed toward trying those issues. Google has filed a motion to bifurcate the issue of validity from the issues of willfulness and damages in the upcoming scheduled patent showdown trial (Dkt. No. 330).

We will proceed as follows. There will be no patent showdown trial in October 2022. For judicial efficiency, the issues of willfulness and damages will be reserved for the main trial currently scheduled for May 2023. As for validity, the parties had an opportunity to fully brief and argue Google's assertions that claim 1 covered unpatentable subject-matter under 35 U.S.C. § 101 and that the claim lacked written description support under 35 U.S.C. § 112. The order on summary judgment found that Google's arguments had no merit (Dkt. No. 309 at 11–

17). Moreover, Sonos's patent is presumptively valid. Accordingly, Google is **ORDERED TO SHOW CAUSE** as to why the Court should not *sua sponte* enter summary judgment in favor of Sonos on the issue of validity of claim 1 of the '885 patent. *See* FRCP 56(f); *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 654–55 (9th Cir. 2016) (“[S]ummary judgment may be granted *sua sponte* if, drawing all inferences in favor of the moving party, there are no genuine issues of material fact, the moving party has been given reasonable notice that the sufficiency of his or her claim will be in issue, and the nonmoving party is entitled to summary judgment as a matter of law.”) (cleaned up). The parties shall simultaneously submit briefing of no more than ten pages (excluding exhibits) responding to this order by **5 PM ON SEPTEMBER 15, 2022**.

IT IS SO ORDERED.

Dated: September 1, 2022.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE